

REMARKS

The continued allowance of claims 2-8 is noted with appreciation.

Claims 10 and 11 remain rejected under 35 USC § 103 over Sayre in view of Lauer. This rejection is respectfully traversed for the reasons previously advanced and incorporated herein by reference.

The rejection is predicated on use of an internet definition of cork. However, that reliance is contrary to the rule that the PTO should give claims their broadest reasonable construction "in light of the specification as it would be interpreted by one of ordinary skill in the art." *Phillips v. AWH Corp.*, 75 USPQ 2d 1321, 1329 (Fed. Cir. 2005).

The fact that the cork is natural cork is implicit and fully supported by the application as originally filed and moreover, the definition of "cork" has been the object of prosecution for quite some time.

Thus, the Office Action states that the claim do not explicitly disclose what material the cork is made of, whether it be natural cork material or a plastic material. The Examiner has raised this point for the first time in the current Office Action based on an internet dictionary.

The application as originally filed refers cylindrical items made of cork on pages 1, 2, 3 and 8. Figure 1 of the application is a picture of a number of corks with polychromatic images on them, i.e. what is being claimed. The four corks shown in that picture are made of natural cork. In an Amendment in August 2003, references were distinguished on the grounds that they related to materials made of synthetic materials rather than cork. Similarly, in an Amendment filed in January 2005, the Lauer reference was distinguished on the grounds it related to synthetic materials rather than cork and

the in Amendment filed in December 2005 that reference was once again distinguished on the grounds it dealt with a synthetic material rather than natural cork.

In furtherance of the showing that the interpretation on which the rejection must rely is not a reasonable one, submitted is a page from the Merriam-Webster's Collegiate Dictionary, 10th Edition (2001) setting forth a definition of cork which excludes the definition on which the Office Action seeks to rely.

Applicants offered by telephone to amend the claims in order to make it even more clear that the cork of the claims is natural cork. Despite the foregoing, the Examiner advised that the proposed change constituted a new issue and would not be entered.

Withdrawal of the rejection and allowance of this case is respectfully requested.

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Respectfully submitted,

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